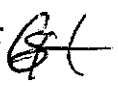




MEMORANDUM

DATE: January 22, 2007

TO: City Planning Board

FROM: Greg Herrmann, Chief Assistant Community Development Director/City Planner
by Michael D. Forbes, Senior Planner 

SUBJECT: Report on Zoning Use List and Classification of Land Uses in Planning Areas

PURPOSE:

This report responds to the Planning Board's request for information regarding the classification of land uses in designated planning areas, and specifically the classification of grocery markets in the Rancho area.

BACKGROUND:

In addition to the standard commercial and industrial zones that are found throughout the City, Burbank has several commercial and industrial zones that are found only in designated planning areas. These zones include those in the Media District, Rancho area, Burbank Center Plan area, and Magnolia Park. The purpose of these zones is to implement land use goals and policies that are unique to those specific areas of the City through the creation of development standards and use restrictions that differ from other parts of the City.

Zoning Use Lists Prior to 1998

Prior to 1998, permitted, conditionally permitted, and prohibited uses for each zone were listed in separate lists under each respective zone. When the Media District, Rancho, and Burbank Center zones were created, new use lists were added to the Municipal Code for each individual zone, based upon existing use lists. Most of the uses in the lists were not defined in the Code. The use lists that existed in the early 1990s at the time the Rancho zoning standards were being created included multiple use categories for food sales establishments, including "food market" and "foodstore-specialty." Neither of these uses was defined in the Code. When the Rancho zones were adopted by Ordinance No. 3343 in 1993, "food specialty store" was listed as a permitted use in the Rancho Commercial zone (Exhibit A), which was presumably intended to be the same as the existing "foodstore-specialty" use category that was already permitted in other commercial zones.

1997 Grocery/Market Ordinance

In 1997, the City Council adopted Ordinance No. 3465 (Exhibit B) to establish new discretionary review requirements for residentially adjacent grocery stores. The ordinance required a conditional use permit for any grocery store located within 150 feet of a residentially zoned

property to operate between the hours of midnight and 6 a.m. As part of the ordinance, a new definition was created for "grocery/market." Grocery/market was defined as follows:

"Grocery/Market" shall mean a grocery store, a convenience grocery store, a liquor store and/or a mini-market and shall also include any other retail market selling a variety of prepackaged food items, groceries, household goods and other similar items."

This definition grouped all types of food retail stores into one category for the purpose of determining when a conditional use permit was required for late night business operations. Different types of food stores remained in the individual use lists, including food markets and food specialty stores. Although combined under a single definition for the purposes of the restrictions on late night operations, the ordinance did not combine the uses into a single category for the purpose of determining whether the use was permitted in the zone. Burbank Municipal Code Section 31-1119(d), which was created by the ordinance, provides that businesses fitting under the grocery/market definition are subject to the requirements of the ordinance "regardless of the establishment's use classification for zoning purposes and regardless of the establishment's business license classification." The individual use categories remained undefined.

1998 Use Table Ordinance

In 1998, the City Council adopted Ordinance No. 3504 (Exhibit C) to reorganize the Zoning Ordinance and replace the lists of permitted uses for each zone with a single use table. The use list consolidated the use lists from all existing commercial and industrial zones, including those in the Media District, Rancho, and Burbank Center areas. The Magnolia Park zones were created at the same time as the zoning use list. As such, the Magnolia Park zones never had separate use lists, and have been part of the zoning table since their creation.

One of the goals of creating the use list table was to simplify the lists of permitted uses by combining multiple uses into consolidated categories whenever feasible. Based upon the definition of grocery/market that was created under the 1997 ordinance, food retail uses including food market and food specialty store were combined under a single use category of grocery/market. The grocery/market definition was retained and remains in the Code today. Grocery/market uses were permitted by right in those zones where food markets and/or food specialty stores had previously been permitted. As such, grocery/market became a permitted use in the Rancho Commercial zone, where food specialty stores had previously been permitted.

ANALYSIS:

Because the term is not defined in the Municipal Code, the intended difference between the food specialty store and food market categories is not clear. Staff reviewed staff reports and minutes from meetings of the Planning Board, City Council, and Rancho Master Plan Advisory Committee looking for an indication of the intent behind the food specialty store use category in the Rancho zoning and any discussion of the change to grocery/market.

In April 1992, the Rancho Master Plan Advisory Committee, in conjunction with City staff and the City's planning consultants, released a draft *Rancho Commercial Recreation Master Plan*. The draft plan listed "food market; in completely enclosed building" as a permitted use in the

Rancho Commercial zone (then proposed to be called the Town and Country zone). Subsequent to the preparation of the draft plan document, further discussion of the Advisory Committee resulted in revisions to the list of proposed uses. Minutes from the Committee meetings in 1992 and 1993 reflect a concern among the Committee members about allowing uses in the Rancho Commercial zone that would be high traffic generators. This concern resulted in revisions to the list of uses permitted in the Rancho Commercial zone, including the deletion of "food market" from the list of permitted uses and the addition of "food specialty store" to the list.

Again, because the Code did not include a definition for either use and a definition was not added as part of the Rancho zoning amendments, the intended difference between food market and food specialty store is not clear, nor was the difference between the two uses documented in the Advisory Committee meeting minutes. It can only be inferred from reviewing the minutes that food specialty store was intended to be a smaller size and/or a lower traffic generator than a food market.¹

The intent of the grocery/market definition in the 1997 ordinance was not to consolidate different food sale uses into a single use category, but rather to improve the administration of the Code by clarifying through the definition exactly which uses were subject to the conditional use permit requirement. An unforeseen result of this definition was its use as part of the 1998 use list ordinance to create a consolidated use category. Staff believes that the consolidation under the 1998 ordinance was based upon the definition created in 1997. Since several years had passed since the adoption of the Rancho zoning, it was perhaps an oversight by staff, the Planning Board, and the City Council that the food specialty store use category was not retained, at least for the Rancho area.

Another possibility is that because the Rancho zoning did not include a definition for food specialty store, perhaps the grocery/market category was viewed as consistent with the intent of the Rancho zoning as ultimately adopted by the Council. The General Plan Land Use Element includes policy statements regarding the intent of each Rancho subarea, which corresponds to the zoning. The statement of intent for the Rancho Commercial subarea is as follows:

The Rancho Commercial areas are intended to encourage and support the development of community-oriented retail shops and services in conjunction with professional offices. These areas will be the primary retail, service and professional office centers serving the Rancho area. These areas will provide essential goods and services to the Rancho such as appliance store, drug store, paint store, dry cleaners, laundromat, post office, theaters and medical offices. It is the intent of the Master Plan that development in the Rancho Commercial areas have retail sales and community-oriented services on the ground floor with professional offices limited to the second floor.

The purpose statement for the Rancho Commercial zone, contained in Burbank Municipal Code Section 31-2428, is similar to the General Plan and reads as follows:

¹ As an aside, staff notes that the Rancho Master Plan Advisory Committee recommended that department stores be prohibited in the Rancho Commercial zone, presumably because of their larger size and potentially high traffic generation. However, when the City Council adopted the ordinance to establish the Rancho zones, the Council specifically changed department stores to be permitted with a conditional use permit in the Rancho Commercial zone. The use category of department store was retained as part of the use list table under the 1998 ordinance and as such is still included in the Code today as a conditionally permitted use in the Rancho Commercial zone.

The RC or Rancho Commercial Zone is intended to encourage and support the development of community oriented retail and service commercial uses in conjunction with professional offices.

The intent statements do not discuss any intent for a particular type of retail store and do not provide any guidance to suggest that grocery/markets should not be permitted in the Rancho Commercial zone. A grocery/market is a community-oriented retail use, which is called for by both the General Plan and Zoning Ordinance.

The Planning Board held a study session in January 1998, and noticed public hearings were held with the Board and City Council in August, October, and November 1998 to consider adoption of the use list table. The related staff reports and meeting minutes do not include any detailed discussion of individual use categories or the intent behind any of the use category consolidations. At the study session and hearings the Board and Council were provided with a list attached to the staff reports that detailed all of the proposed changes (Exhibit D). The list clearly shows the deletion of the food market and foodstore-specialty use categories and the creation of the new grocery/market use category as a permitted use in the Rancho Commercial zone. There is no indication in the minutes that the Planning Board or City Council members, or any public speakers at the hearings, raised any issues related to the use classifications for food sales or any potential affect on the Rancho zoning. Prior to the public hearings, two Planning Board members worked with staff as members of a subcommittee regarding the creation of the use list table. Staff was unable to locate any record of the issues discussed at the subcommittee meetings to determine whether the issue was considered by the subcommittee.

CONCLUSION:

The designated planning areas in the City of Burbank have unique zoning that was created out of efforts by task forces or other such community working groups. Although such groups may have a certain reason or intent for recommending certain zoning standards in these areas, it is what is ultimately adopted into the General Plan and Zoning Ordinance that dictates land use policies and use and development standards. The use list in the Zoning Ordinance (Burbank Municipal Code Section 31-502) is the only authoritative source used to determine the permissible uses of property.

In the case of the Rancho area, there was apparently some intent on the part of the Rancho Master Plan Advisory Committee to specify food specialty stores as a permitted use in the Rancho Commercial zone rather than food markets. However, this intent was not reflected in the General Plan policies for the Rancho area or through the Rancho zoning. Subsequent amendments to the Zoning Ordinance revised the list of permitted uses in the Rancho zones, but such revisions were consistent with the General Plan and with the purpose statements for the zones, and were not identified by staff, the Planning Board, the City Council, or the public as being contrary to the intent or purpose of the Rancho zoning. The revisions were considered by the Planning Board and adopted by the City Council following noticed public hearings consistent with Municipal Code requirements, and detailed information regarding the revisions was provided to the Board and Council.

RECOMMENDATION:

Staff recommends that the Planning Board note and file this report.

LIST OF EXHIBITS:

- Exhibit A Ordinance No. 3343 excerpt
- Exhibit B Ordinance No. 3465
- Exhibit C Ordinance No. 3504
- Exhibit D List showing proposed changes to zoning use categories as part of use list
table creation (exhibit from City Council staff report dated October 6, 1998)

(f) Color--Whites, natural wood grain finishes, earth tones, pale tones, tans, rusts, adobe pink, and copper patina shall be used and incorporated. Bright colors are prohibited.

(g) Materials and Finishes--A number of following may be incorporated if otherwise permitted by the Burbank Municipal Code: wood, rough cut timbers, river rock, Spanish tile and textured stucco.

(h) The design standards of Section 31-1113.1 shall apply in the GO Zone.

DIVISION 6. RC - RANCHO COMMERCIAL ZONE.

31-2428. Purpose.

The RC or Rancho Commercial Zone is intended to encourage and support the development of community oriented retail and service commercial uses in conjunction with professional offices.

31-2429. Permitted Uses.

(a) RETAIL SALES:

- Antique shop
- Appliance store; limited to 15,000 square feet
- Art gallery
- Art shop
- Bakery
- Beauty supply store
- Bicycle and mini-bike sales
- Book store
- Burglar alarm sales or service; no on-site installation
- Butcher shop; no slaughtering
- Camera shop; incidental film developing
- Candy store
- Clothing store
- Computer/electronics store
- Drapery shop
- Dressmaking shop
- Drug store
- Dry goods store
- Eating establishment, no drive through
- Feed store
- Film store
- Florist shop
- Food specialty store
- Furniture sales
- Furrier sales
- Garden supply shop
- Gift shop
- Greenhouse

Hardware store
Ice cream shop
Interior decorating store
Jewelry store
Leather goods shop
Luggage store
Music store
Newsstand
Notions store
Novelty store
Orthopedic and medical appliance store
Paint store
Pet shop; includes grooming
Pharmacy
Picture frame store
Radio and television store; incidental servicing
Shoe store
Sporting goods store
Stationery store
Tobacco shop
Toy store
Wholesale sales; incidental to retail sales

(b) SERVICES:

Administrative services
Aerobics studio
Auditorium
Automated teller machine
Awning shop
Bank
Barber shop
Beauty shop
Bicycle and mini-bike repairs
Bookbinding
Catering service
Child care facility
Church
Club; non-profit
Collection agency
Computer service center
Dog and animal grooming
Dry cleaners
Engraver
Express mail collection
Film editing
Fix-it shop
Glass shop; in completely enclosed building
Gymnasium; in completely enclosed building
Interior decorating service
Janitorial service
Laundromat
Laundry agency; no washing

- Library; municipal
- Linen or towel supply
- Mailing service
- Museum
- Nail Shop
- Optician
- Photocopy service
- Photographer
- Photographic copying
- Physical therapist
- Police; private, dispatch and administration only
- Print shop; except newspaper printing
- Racquetball courts
- Recording and rehearsal studio
- Riding tack shop
- School; public or private
- Shoe repair shop
- Shoeshine stand
- Studio; art
- Telephone answering service
- Telephone exchange
- Theater; except drive-in
- Travel agency
- Video tape rental

(c) COMMERCIAL AND PROFESSIONAL OFFICE:

- Architecture studio
- Brokerage, non-inventory
- Dental office
- Design studio
- Employment agency
- Financial services
- Graphic arts studio
- Medical office
- Newspaper office; no printing
- Offices; business or professional
- Publishing office; no printing
- Real estate office
- Tax preparation
- Ticket agency
- Wholesale business (no warehousing)

(d) ASSEMBLY OF THE FOLLOWING:

- Electric or Electronic equipment or appliances; restricted to the rear 50 percent of the property.
- Scientific equipment, including manufacturing of small parts only; restricted to the rear 50 percent of the property.

Sec.31-2430. Conditional Uses.

The following uses are permitted in the RC Zone upon the granting of a conditional use permit:

Alcoholic beverages; sale of, consumption on premises
 Amusement enterprise; in completely enclosed building
 Convenience grocery store
 Department Store
 Liquor sales, packaged; incidental use only
 Billiard parlor
 Dance hall; in completely enclosed building
 Assembly of goods from the following: canvas, cloth, cork,
 felt, fiber, glass, shell, stone, textiles, tobacco, wax (no
 rendering), wood, yarn.
 Manufacturing of the following: candy, musical instruments,
 signs, silk screens.

Sec. 31-2431. Administrative Uses.

The following uses are permitted in a RC Zone upon the granting of an administrative use permit:

Child care facility--if residentially adjacent
 Schools--public or private--if residentially adjacent.

Sec. 31-2432. Prohibited Uses.

The following uses are prohibited in a RC Zone:

Advertising structure or sign not expressly permitted
 Agricultural use
 Airport use
 Auto and truck sales
 Auto body shops
 Auto part sales
 Cemetery use
 Pawn shop
 Residential use
 Warehouse retail sales

Sec. 31-2433. Property Development Standards.

The following property development standards shall apply in a RC Zone:

(a) **STRUCTURE HEIGHT.**

- (1) The maximum height of a structure shall be thirty-five (35) feet measured from grade as defined in this article.
- (2) Maximum height shall be measured to the ceiling height of highest room permitted for human occupancy.
- (3) Tower projections may exceed ridgeline height by ten (10) feet.
- (4) A conditional use permit is required for a structure higher than thirty-five (35) feet.

(b) **OPEN SPACE.**

(1) **Distance Requirements.**

Each lot which abuts or is adjacent to an R-1, R-1-E, R-1-H or R-2 lot shall provide open space not less than twenty (20)



(f) Color--Whites, natural wood grain finishes, earth tones, pale tones, tans, rusts, adobe pink, and copper patina shall be used and incorporated. Bright colors are prohibited.

(g) Materials and Finishes--A number of following may be incorporated if otherwise permitted by the Burbank Municipal Code: wood, rough cut timbers, river rock, Spanish tile and textured stucco.

(h) The design standards of Section 31-1113.1 shall apply in the GO Zone.

DIVISION 6. RC - RANCHO COMMERCIAL ZONE.

31-2428. Purpose.

The RC or Rancho Commercial Zone is intended to encourage and support the development of community oriented retail and service commercial uses in conjunction with professional offices.

31-2429. Permitted Uses.

(a) RETAIL SALES:

- Antique shop
- Appliance store; limited to 15,000 square feet
- Art gallery
- Art shop
- Bakery
- Beauty supply store
- Bicycle and mini-bike sales
- Book store
- Burglar alarm sales or service; no on-site installation
- Butcher shop; no slaughtering
- Camera shop; incidental film developing
- Candy store
- Clothing store
- Computer/electronics store
- Drapery shop
- Dressmaking shop
- Drug store
- Dry goods store
- Eating establishment, no drive through
- Feed Store
- Film store
- Florist shop
- Food specialty store
- Furniture sales
- Furrier sales
- Garden supply shop
- Gift shop
- Greenhouse

(e) The landscaping requirements for parking structures and surface parking lots in Sections 31-1113.1(i) and 31-1418 shall apply in the GO zone.

(4) Retail Structures.

On retail structures, bay windows at least three (3) feet high may project over seventy-five (75) percent of the required front yard not to exceed three (3) feet into the required front yard. The bay windows shall be spaced to allow adequate sunlight to reach required landscaping.

(5) Parking.

(a) No surface parking area frontage shall comprise more than fifty (50) percent of any street frontage.

(b) Surface parking shall be organized into parking courts not to exceed 40 stalls surrounded on all sides with a minimum five (5) foot landscape buffer.

(c) Above-grade and semi-subterranean parking structures shall be allowed along the rear fifty (50) percent of the property.

(d) For additional parking area requirements, see Article 14 of this Chapter.

(d) ADDITIONAL STANDARDS.

For additional standards see the remainder of this Chapter.

Sec. 31-2426. Development Review.

Unless specifically exempted by Section 31-1915 of this Code, no structure shall be erected in the GO Zone, nor shall any permits related thereto be issued until an application for Development Review has been submitted to and approved by the Director, as provided in Division 2, Article 19 of this Chapter. These permits include but are not limited to site preparation permits such as demolition permits and grading permits.

Sec. 31-2427. Design Standards for the GO Zone.

The following design criteria shall apply in the GO Zone:

(a) All building elevations fronting public streets or residentially zoned lots shall contain elements designed for the purpose of providing visual variation including expressed floor or surface breaks, balconies, projections, recesses, awnings and horizontal setbacks.

(b) Pedestrian entrances on exposed elevations shall be recessed and architecturally highlighted.

(c) Pitched roofs are required. Mansard roofs are prohibited.

(d) No more than sixty (60) percent of the building facade shall be in the same plane.

(e) Architectural design--Mission, Rancho, or Spanish Colonial style shall be used incorporating a number of the following elements: verandas, arbors, patios, courtyards, plazas, arches, simulated wood roofs, tile roofs, open beam ceilings, walkways, archways, colonial columns and heavy posts.

Liquor sales, packaged; incidental use only
Convalescent home
Senior housing

Sec. 31-2423. Administrative Uses.

The following uses are permitted in a GO Zone upon the granting of an administrative use permit:

Child care facility; incidental use only; if residentially adjacent

Sec. 31-2424. Prohibited Uses

The following uses are prohibited in a GO Zone:

- Advertising structure or sign not expressly permitted
- Agricultural use
- Airport use
- Auto and truck sales
- Auto body shops
- Auto part sales
- Cemetery use
- Department store
- Pawn shop
- Warehouse retail sales

Sec. 31-2425. Property Development Standards.

The following property development standards shall apply in a GO Zone:

(a) STRUCTURE HEIGHT.

(1) The maximum height of a structure shall not exceed thirty-five (35) feet as measured from grade as defined in this article.

(2) Maximum height shall be measured to the ceiling height of highest room permitted for human occupancy.

(3) A conditional use permit is required for structure higher than thirty-five (35) feet.

(b) OPEN SPACE.

(1) Distance Requirements.

Each lot which abuts or is adjacent an R-1, R-1-E, R-1-H or R-2 lot shall provide open space not less than twenty (20) feet wide along the area that abuts the residential property. Lots abutting or adjacent R-3, R-4 and R-5 lots shall provide a minimum of ten (10) foot open space between the properties.

(2) Determination of Open Space.

This open space shall be measured from the lot line of the residential property to the commercial structure. Public rights-of-way may be included within the calculation of such area, except as otherwise provided in this section.

(3) Landscaping Requirement.

When the commercial property abuts or is adjacent R-1, R-1-E, R-1-H or R-2 property, a five (5) foot strip of the open space

Novelty store
Pharmacy
Stationery store

(b) SERVICES:

Automated teller machine
Barber shop; incidental use only
Beauty shop; incidental use only
Blueprinting
Child care facility; incidental use only
Church
Collection agency
Dry cleaning agency; no dry cleaning on site
Gymnasium; in completely enclosed building; incidental use only
Interior decorating service
Janitorial service
Mail service
Nail Shop; incidental use only
Photocopy service
Photographer
Physical therapist
Police, private; dispatch and administration only
Studio; art and photograph
Telephone answering service
Telephone exchange
Travel agency

(c) COMMERCIAL AND PROFESSIONAL OFFICES

Architecture studio
Brokerage, non-inventory
Dental office
Design studio
Employment agency
Financial services
Graphic arts studio
Laboratory, X-ray, treatment and clinic
Medical office
Newspaper office; no printing
Offices; business or professional
Publishing office; no printing
Real estate office
Tax preparation
Ticket agency

(d) WHOLESALE:

Wholesale business; no warehousing

Sec. 31-2422. Conditional Uses.

The following uses are permitted in the GO Zone upon the granting of a conditional use permit:

Alcoholic beverages; sale of, consumption on premises

for Development Review has been submitted to and approved by the Director, as provided for in Division 2, Article 19 of this Chapter. These permits include but are not limited to site preparation permits such as demolition permits and grading permits.

Sec. 31-2419. Design standards for the NB Zone.

The following design criteria shall apply to proposed improvements in the NB Zone:

- (a) A full pitched roof is required. Mansard roofs are prohibited.
- (b) Building orientation shall be toward Main street.
- (c) No single building or group of buildings with a common wall shall exceed a length of one hundred (100) feet.
- (d) Architectural design--Mission, Rancho or Spanish Colonial style shall be used incorporating a number of the following elements: verandas, arbors, patios, courtyards, plazas, arches, simulated wood roofs, tile roofs, open beam ceilings or walkways, archways, colonial columns and heavy posts.
- (e) Color--Whites, natural wood grain finishes, earth tones, pale tones, tans, rusts, adobe pink, and copper patina shall be used and incorporated. Bright colors are prohibited.
- (f) Materials and Finishes--A number of following may be incorporated if otherwise allowed by the Burbank Municipal Code: wood, rough cut timbers, river rock, Spanish tile and textured stucco.
- (g) The design standards of Section 31-1113.1 shall apply in the NB Zone.

DIVISION 5. GO - GARDEN OFFICE ZONE.

Sec. 31-2420. Purpose.

The GO or Garden Office Zone is intended to provide a well landscaped, low profile office environment.

Sec. 31-2421. Permitted Uses.

The following uses are permitted in a GO Zone:

(a) **RETAIL SALES:**

- Art gallery
- Book store
- Burglar alarm sales or service; no on-site installation
- Eating establishment, not to exceed 2,000 square feet in gross floor area, no drive-through
- Florist shop
- Gift shop
- Newsstand
- Notions store

(2) Setbacks.

(a) Front Yards.

All structures, including above-grade and semi-subterranean parking, shall be set back at least ten (10) feet from the front lot line.

(b) Side Yards.

A side yard setback is not required. However, if the side yard is used for surface parking, a minimum three (3) feet setback from the side lot line to the surface parking area is required.

(c) Rear Yards.

A rear yard building setback is not required; provided, however, that if the lot abuts or is adjacent to an R-1, R-1-E, R-1-H or R-2 lot, a minimum twenty (20) foot setback is required. If the rear yard is used for surface parking, a minimum five (5) feet setback from the rear lot line to the surface parking area is required.

(3) Landscaping.

(a) At least five (5) percent of the total site area shall be landscaped.

(b) Californian native plants and California Sycamore trees are required to be integrated within this required landscaped area. Required street trees shall be California Sycamore trees.

(d) The landscaping requirements for parking structures and surface parking lots in Sections 31-1113.1(i) and 31-1418 shall apply in the NB zone.

(4) Retail Structures.

On retail structures, bay windows at least three (3) feet high may project over seventy-five (75) percent of the required front yard not to exceed three (3) feet into the required front yard. The bay windows shall be spaced to allow adequate sunlight to reach required landscaping.

(5) Parking.

(a) Surface parking shall not be allowed between building frontage and Main Street.

(b) For structures or projects applying for development review on or after the effective date of this ordinance on the lots south of Alameda Avenue, vehicular access to and from these lots shall only be available from Main Street, Alameda Avenue, or Riverside Drive.

(c) For additional parking area requirements see Article 14 of this Chapter.

(d) ADDITIONAL STANDARDS.

For additional standards see the remainder of this Chapter.

Sec. 31-2418. Development Review.

Unless specifically exempted by Section 31-1915 of this Code, no structure shall be erected on any lot in the NB Zone, nor shall any permits related thereto be issued until an application

Child care facility; if residentially adjacent
Schools-public or private; if residentially adjacent.

Sec. 31-2416. Prohibited Uses.

- The following uses are prohibited in a NB Zone:
- Advertising structure or sign not expressly permitted
 - Agricultural use
 - Airport use
 - Auto and truck sales
 - Auto body shops
 - Auto part sales
 - Cemetery use
 - Department store
 - Pawn shop
 - Residential use
 - Warehouse retail sales

Sec. 31-2417. Property Development Standards.

The following property development standards shall apply in a NB Zone:

(a) STRUCTURE HEIGHT.

- (1) The maximum height of a structure shall be a maximum of twenty-five (25) feet as measured from grade as defined in this Article.
- (2) Maximum height shall be measured to the ceiling height of highest room permitted for human occupancy.
- (3) A conditional use permit is required for a structure higher than twenty-five (25) feet.

(b) OPEN SPACE.

- (1) Distance Requirements.
Each lot which abuts or is adjacent to an R-1, R-1-E, R-1-H or R-2 lot shall provide open space not less than twenty (20) feet wide along the area that abuts the residential property.
- (2) Determination of Open Space.
Open space shall be measured from the lot line of the residential property to the commercial structure. Public rights-of-way may be included within the calculation of such area, except as otherwise provided in this section.
- (3) Landscaping Requirement.
When the commercial property abuts or is adjacent to an R-1, R-1-E, R-1-H or R-2 lot, a five (5) foot strip of the open space which lies adjacent to the residential property shall be landscaped, unless a public right-of-way is utilized in the calculation of the open space. This landscaping is intended to provide screening between the different zones.

(c) YARDS.

- (1) Front Yard - Definition.
For the purpose of this section, side yards on corner lots shall be considered as front yards.

- Collection agency
- Computer service center
- Dog and animal grooming
- Dry cleaning agency; no on-site dry cleaning
- Engraver
- Fix-it shop
- Household appliance repair; incidental sales
- Interior decorating service
- Janitorial service
- Laundry agency; no washing
- Nail Shop
- Photocopy service
- Photographer
- Photographic copying
- Print shop; except newspaper printing
- Radio and television repair
- Riding tack shop
- School; public or private
- Shoe repair shop
- Studio; art and photograph
- Telephone answering service
- Telephone exchange
- Travel agency
- Upholstery shop
- Video tape rental

(c) COMMERCIAL AND PROFESSIONAL OFFICES:

- Architecture studio
- Brokerage, non-inventory
- Design studio
- Graphic arts studio
- Medical office
- Offices, business or professional, non-medical
- Real estate office
- Tax preparation
- Ticket agency

Sec. 31-2414. Conditional Uses.

The following uses are permitted in the NB Zone upon the granting of a conditional use permit:

- Alcoholic beverages; sale of, consumption on premises
- Animal hospital; overnight care, no boarding
- Automobile service station
- Liquor sales, packaged; incidental use only
- Plant Nursery

Sec. 31-2415. Administrative Uses.

The following uses are permitted in a NB Zone upon the granting of an administrative use permit:

Antique shop
 Art gallery
 Art shop
 Bakery
 Beauty supply store
 Bicycle and mini-bike sales
 Book store
 Burglar alarm sales or service; no on-site installation
 Butcher shop; no slaughtering
 Camera shop; incidental film developing
 Candy store
 Clothing store
 Drapery shop
 Dressmaking shop
 Feed store
 Film store
 Florist shop
 Furrier sales
 Garden supply shop
 Gift shop
 Hardware store
 Ice cream shop
 Interior decorating store
 Jewelry store
 Leather goods shop
 Luggage store
 Music store
 Newsstand
 Notions store
 Novelty store
 Orthopedic and medical appliance store
 Paint store
 Pet shop; includes grooming
 Pharmacy
 Picture frame store
 Radio and television store
 Shoe store
 Sporting goods store
 Stationery store
 Tobacco shop
 Toy store
 Wholesale sales; incidental to retail sales

(b) SERVICES:

Administrative services
 Automated teller machine
 Awning shop
 Barber shop
 Beauty shop
 Bicycle and mini-bike repairs
 Child care facility
 Church

(e) Roofing materials shall include tile, rock, and other roofing materials allowed by the Burbank Municipal Code except for continuously rolled metal roofing or any reflective roofing material.

Sec. 31- 2410. Restrictions on Keeping Horses.

(a) PERMIT REQUIRED.

It is unlawful to keep a horse in an R-1-H Zone without a permit from the Animal Shelter Superintendent. Such permit shall be issued only if approved by the Building Official. The Building Official shall investigate all requests for permits and if the Building Official finds that the applicant is entitled by this division to keep horses on the premises and is not in violation of any regulations pertaining to keeping horses, the request for a permit shall be approved and the Animal Shelter Superintendent shall be notified in writing.

(b) LIMIT ON NUMBER OF HORSES.

(1) Non-Commercial

Horses kept in an R-1-H Zone in a non-commercial stable or corral shall not exceed one (1) for each three thousand (3,000) square feet of lot area.

(2) Commercial

Horses kept in an R-1-H Zone in a commercial stable or corral shall not exceed one (1) horse for each five hundred (500) square feet of lot area. For additional requirements, See Division 10 of this Article.

Sec. 31-2411. Development Review.

Unless specifically exempted by Section 31-1915 of this Code, no structure shall be erected on any lot in an R-1-H Zone, nor shall any permits related thereto be issued until an application for Development Review has been submitted to and approved by the Director, as provided for in Division 2, Article 19 of this Chapter. These permits include but are not limited to site preparation permits such as demolition permits and grading permits.

DIVISION 3. NB - NEIGHBORHOOD BUSINESS ZONE.

Sec. 31-2412. Purpose.

The NB or Neighborhood Business zone is intended to accommodate a mix of commercial and office uses requiring visibility and convenient access.

Sec. 31-2413. Permitted Uses.

The following uses are permitted in a NB Zone:

(a) RETAIL SALES:

eight (8) inches thick or reinforced concrete at least six (6) inches thick with a smooth, hard, nonabsorbent interior finish. Other Type I construction materials may be used if approved by the Building Official as being equally strong, durable and resistant to sounds and odors arising from within the stable.

The twenty (20) feet setback requirement from a door, window or opening of a structure used or designed to be used for human habitation may be reduced to fifteen (15) feet if the non-commercial stables are completely enclosed by walls and a roof and provided the walls or portion thereof facing the setback area are constructed of reinforced masonry at least eight (8) inches thick or reinforced concrete at least six (6) inches thick with a smooth, hard, nonabsorbent interior finish. Other Type I construction materials may be used if approved by the Building Official as being equally strong, durable and resistant to sounds and odors arising from within the stable.

(6) Setback for Non-commercial Corrals - Non-commercial corrals used for keeping horses shall be located within the rear thirty-five (35) feet of the lot. Non-commercial corrals shall be enclosed by a fence or other enclosure, no part of which shall be closer than twenty (20) feet to the doors, windows or other openings of any building or structure on the same or adjacent lot used or designed to be used for human habitation.

(f) OFF-STREET PARKING.

For each dwelling unit there shall be two (2) parking spaces in a garage or carport.

(g) STABLE REQUIRED.

Each lot on which a horse is kept shall have a stable to shelter the horse.

(h) STRUCTURE SIZE.

A dwelling unit shall have a minimum floor area of eight hundred fifty (850) square feet (excluding garage or accessory structure) and be at least twenty (20) feet wide.

(i) ADDITIONAL STANDARDS.

For additional standards, see the remainder of this Chapter.

Sec. 31-2409. Mobilehome Development Standards.

In addition to the property development standards listed in Section 31-2408, the following development standards shall be applicable to the establishment of mobilehomes:

(a) Mobilehomes shall be built after June 15, 1976 and to the specifications of the National Manufactured Housing Construction and Safety Standards Act of 1974.

(b) Mobilehomes shall be installed on a State approved permanent foundation system.

(c) Exterior siding is required and shall extend to within six (6) inches of the ground.

(d) Exterior siding shall be of a non-reflective material which simulates wood, stucco or masonry.

Any multiple family dwelling or use, unless part of a planned residential development.

Sec. 31-2408. Property Development Standards.

The following property development standards shall apply in an R-1-H Zone:

(a) LOT AREA.

Each lot shall have a minimum area of six thousand (6,000) square feet.

(b) LOT DIMENSIONS.

Each lot shall have a minimum width of fifty (50) feet and a minimum depth of one hundred (100) feet.

(c) LOT AREA PER DWELLING UNIT.

Except for dwelling units lawfully constructed on one (1) lot prior to June 4, 1963, only one (1) dwelling unit shall be allowed for each six thousand (6,000) square feet of lot area.

(d) STRUCTURE HEIGHT.

No structure shall exceed thirty-five (35) feet in height.

(e) YARDS AND SETBACKS.

(1) Front Yard - Each lot shall have a front yard not less than twenty-five (25) feet deep.

(2) Side Yard - Each lot shall have a side yard on each side not less than five (5) feet wide, except that corner lots and reverse corner lots, unless otherwise specified in this Chapter, shall have a yard not less than ten (10) feet wide on the side abutting the side street.

(3) Rear Yard - Each lot shall have a rear yard not less than five (5) feet deep. However, if the rear yard abuts an alley, this requirement shall not apply.

(4) Setback for Doors, Windows and Openings of Dwellings - Doors, windows, and other openings in any structure used or designed to be used for human habitation shall be at least ten (10) feet from the rear and side property lines when constructed within the rear thirty-five (35) feet of the lot.

(5) Setback for Non-commercial Stables - Non-commercial Stables used for keeping horses shall be located within the rear thirty-five (35) feet of the lot and shall be set back at least ten (10) feet from the rear and side property lines. Non-commercial stables shall not be located closer than twenty (20) feet to a door, window or other opening of any building or structure on the same or adjacent lot used or designed to be used for human habitation.

The ten (10) foot setback requirement from rear or side property lines is not applicable to those property lines abutting an alley.

The ten (10) foot setback requirement from rear or side property lines may be reduced to five (5) feet for those property lines on a street or if the stables are completely enclosed by walls and a roof and provided the walls or portion thereof facing the setback area are constructed of reinforced masonry at least

Small Family Day Care Home.

Stable or corral for keeping horses owned by the owner or occupant of the property.

The following accessory structures: private garages, carports, tennis courts, swimming pools and minor accessory structures for which no building permit is required, and accessory structures of three hundred (300) square feet or less, subject to the provisions of Section 31-1111 to this Chapter.

Sec. 31- 2405. Conditional Uses.

The following uses are permitted in an R-1-H Zone upon the granting of a conditional use permit:

Additional single family dwelling per lot for each additional six thousand (6,000) square feet of lot area.

Animal hospital; no boarding (on properties with a minimum of 12,000 square feet in area that abut commercial land).

Blacksmith; horse shoeing only (on properties with a minimum of 12,000 square feet in area that abut commercial land).

Carnival conducted by church, public or private school, service club or nonprofit association or corporation.

Church or church school.

Municipal fire station.

Municipal library.

Off-street parking lot.

Park or recreational facility, including golf course and cultural facility, with incidental limited commercial uses commonly associated with park and recreational use.

Planned residential development.

Public or private educational institution.

Public utility facility.

Stable, commercial--including housing facilities for caretaker on premises (on properties with a minimum of 12,000 square feet in area that abut commercial land).

Other accessory structures.

Sec. 31- 2406. Administrative Uses.

The following uses are permitted in a R-1-H zone upon the granting of an administrative use permit:

Large Family Day Care Home.

Sec. 31- 2407. Prohibited Uses.

The following uses are prohibited in an R-1-H Zone:

Any advertising structure or sign not expressly permitted.

Agricultural use.

Airport use.

Cemetery use.

Commercial use, unless specified in Sections 31-2404 or 31-2405

Industrial use.

Mobilehome park.

Plan Zones Ordinance, the development regulations of the Burbank Municipal Code that are most applicable shall apply.

Sec. 31-2402. Definitions.

For the purposes of this Article, the following definitions shall apply. Words or phrases not defined in this section shall be construed as defined in the Burbank Municipal Code.

"**Californian Native Plants**" means landscaping materials that are associated with the Southern California's Mediterranean type climate. This category is not limited to drought-resistant varieties.

"**Commercial Stable**" means any place that horses are kept, housed, boarded, lodged, fed, hired, rented, trained, or sold as a commercial activity.

"**Grade**" means the average elevation calculated by adding the elevation of all corners of the subject property and dividing by the same number of corners.

"**Horse**" means all members of the equine family including burros and donkeys and all hybrids of said family such as mules.

"**Mission, Rancho or Spanish Colonial Style**" means structures that are not boxlike and incorporate Spanish or western architectural elements of design such as arches, verandas, arbors, patios, plazas, tiled entry ways, simulated wood or tiled roofs, pitched roofs, and earth tone colors.

"**First Story**" means fifteen (15) feet to the ceiling measured from the grade.

"**Second Story**" means twenty-five (25) feet to the ceiling measured from the grade.

"**Third Story**" means thirty-five (35) feet to the ceiling measured from the grade.

DIVISION 2. R-1-H RESIDENTIAL ZONE.

Sec. 31- 2403. Purpose.

The R-1-H or residential single family horsekeeping zone is intended for single family dwellings upon lots on which horses may be kept.

Sec. 31- 2404. Permitted Uses.

The following uses are permitted in an R-1-H Zone:

Single family dwelling, including mobilehomes, not to exceed one (1) per lot unless additional dwelling was in existence prior to June 4, 1963.

Additional single family dwelling lawfully constructed on one (1) lot prior to June 4, 1963.

Home occupation that meets the requirements of Article 6, Division 11 of this Chapter.